

S/N 10/821,223
Our Ref. No. 659-2246
Client Ref. No. 16146.1

REMARKS

In the Office Action mailed June 5, 2006, the Examiner rejected claims 1-3, 5, 6, 8, 12, 14-16, 18, 22 and 24 under 35 USC 102(e) as being anticipated by USP 6,972,012 to Pozniak, and claims 4, 7, 9-11, 13, 17, 19-21 and 23 under 35 USC 103 as being obvious over Pozniak, alone and/or further in view of U.S. Patent No. 4,022,212 to Lovison. In response, Applicants have rewritten claims 7, 11, 19, 20, 21 (see claim 1) and 23 (see claim 14) in independent form. Accordingly, the only rejections outstanding against the pending claims are made pursuant to 35 USC 103(a).

Statement Concerning Common Ownership:

According to 35 USC 103(c)(1), "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e) . . . shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." In this case, Applicants undersigned attorney does hereby state that:

Application Serial No. 10/821,223 and U.S. Patent No. 6,972,012 were, at the time the invention of the '223 application was made, owned by, or subject to an obligation of assignment to, Kimberly-Clark Worldwide.

"This statement alone is sufficient evidence to disqualify [Pozniak] from being used in a rejection under 35 USC 103(a)" (see MPEP 706.02(l)(2)). Accordingly, claims 1-20, 22 and 24 are in condition for allowance and notice to that effect is earnestly solicited.

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Conclusion:

For all of the reasons set forth above, all of the claims are in condition for allowance and notice to that effect is earnestly solicited. Applicants previously paid for twenty-four (24) claims, including three (3) independent claims. After amendment, this application has twenty-two (22) claims, including six (6) independent claims. Applicants hereby authorize the Commissioner to charge the \$600 claims fee for the additional three (3) independent claims to deposit account No. 23-1925.

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Dated: September 5, 2006

By:

Respectfully Submitted,


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